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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,123	02/26/2004	Gregory Benjamin	JHM1465	1860
7590 08/15/2005			EXAMINER	
Joseph H. McGlynn 6111 Saddle Horn Dr. Fairfax, VA 22030			MENDIRATTA, VISHU K	
			ART UNIT	PAPER NUMBER
			3711	

DATE MAILED: 08/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary**

Application No.

10/786,123

Applicant(s)

BENJAMIN, GREGORY

Examiner

Vishu K. Mendiratta

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 April 2005.
- 2a) ☒ This action is FINAL.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-6,8,10,11 and 13-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17 and 19-25 is/are allowed.
- 6) ☒ Claim(s) 2-6,8,16 and 18 is/are rejected.
- 7) ☒ Claim(s) 10,11,13-15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

1. Claim 18 rejected under 35 U.S.C. 102(b) as being anticipated by Zhang (5171018).

Zhang teaches a board having a playing surface with plurality of squares (Fig.1), a plurality of playing pieces with at least three different numerical value indicia and playing pieces for in different colors for different player (Fig.5), one player's playing piece being different combination of color (Fig.2), means for restricting view from opponent player (31,32,33). Zhang teaches each piece on either side covered.

2. Claims 16, 2-6,8 rejected under 35 U.S.C. 103(a) as being unpatentable over Zhang.

Zhang teaches a board having a playing surface with plurality of squares (Fig.1), a plurality of playing pieces with at least three different numerical value indicia and playing pieces for in different colors for different player (Fig.5), one player's playing piece being different combination of color (Fig.2), means for restricting view from opponent player (31,32,33). Zhang teaches each piece on either side covered.

Zhang teaches all limitations except that it does not teach a mirror for restricting the view.

Any opaque material/means can obstruct/restrict the view of a player. A mirror being an opaque material will be same in functionality as any other material that is opaque.

One of ordinary skill in art at the time the invention was made would have suggested making the means from opaque material including a mirror without changing the function.

Zhang teaches means for restricting view one on each side.

***Allowable Subject Matter***

3. Claims 17,19-25 allowed.
4. Claims 10-11,13-15 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

5. Applicant's arguments filed 4/29/05 regarding claim 16 have been fully considered but they are not persuasive. The newly added limitation "restricting a view throughout the game" is a rule for playing and does not further limit the apparatus in the claim.

6. Applicant's arguments filed 4/29/05 regarding claim 18 have been fully considered but they are not persuasive.

*Zhang teaches "a cover" shown in Fig.3 by 31,32,33 that covers "each piece" on the board, even though it is a common cover piece. Applicant is not claiming "each playing piece having its own individual cover piece".*

Applicant may also note that "each piece provided with a cover" may also be treated as a method of playing as in "providing a cover to a piece".

Also the examiner takes the position that "every thing is covered with some thing" unless otherwise indicated what this cover is like.

In essence "providing a cover" is a broad limitation and can be interpreted in many ways.

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7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vishu K. Mendiratta whose telephone number is (571) 272-4426. The examiner can normally be reached on Mon-Fri 8AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on (571) 272-4415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

A handwritten signature in black ink, appearing to be 'Jr' or similar, with a long horizontal stroke extending to the right.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Vishu K Mendiratta  
Primary Examiner  
Art Unit 3711

VKM  
August 10, 2005